

129630



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Order 2001-5-22

Served: May 21, 2001

Issued by the Department of Transportation
on the 16th day of May, 2001

Applications of

VOLGA-DNEPR J.S. CARGO AIRLINE

for exemptions under 49 U.S.C. section 40109(g)

Dockets **OST-99-6040-3** **OST-2000-7336-3**
OST-99-6398-3 **OST-2000-7409-6**
OST-99-6584-3 **OST-2000-7540-3**
OST-99-6666-2 **OST-2000-7589-3**
OST-2000-6829-3 **OST-2000-7816-3**
OST-2000-6968-3 **OST-2000-8197-5**

ORDER CONFIRMING EXEMPTIONS

Summary

This order confirms our oral actions granting the applications of Volga-Dnepr J.S. Cargo Airline (Volga-Dnepr) for exemption authority pursuant to 49 U.S.C. section 40109(g) to operate cargo charter flights carrying emergency cabotage traffic.

Applications

As described in attachments to this order, Volga-Dnepr requested exemption authority pursuant to 49 U.S.C. section 40109(g) to operate cargo charter flights using its Antonov 124 aircraft to transport outsized cargo for various shippers. In support of its applications, Volga-Dnepr stated that, because of certain emergency situations and other unforeseen delays, air shipment of the cargo was essential in order to meet delivery, operational and/or production schedules. Volga-Dnepr stated, in each case, that because of the size of the cargo, transportation on U.S.-carrier aircraft was not possible. It also attached to its applications statements from the shippers confirming Volga-Dnepr's characterizations of the shippers' situations and supporting Volga-Dnepr's requests.

Answers

Volga-Dnepr served its applications on those U.S. carriers operating large all-cargo aircraft. Each U.S. carrier indicated that it did not have aircraft available to conduct the proposed operations, and that it had no comment or did not oppose grant of the requested authority.

Statutory Standards

Under 49 U.S.C. section 40109(g), we may authorize a foreign air carrier to carry commercial traffic between U.S. points (*i.e.*, cabotage traffic) under limited circumstances. Specifically, we must find that the authority is required in the public interest; that because of an emergency created by unusual circumstances not arising in the normal course of business the traffic cannot be accommodated by U.S. carriers holding certificates under 49 U.S.C. section 41102; that all possible efforts have been made to place the traffic on U.S. carriers; and that the transportation is necessary to avoid unreasonable hardship to the traffic involved (an additional required finding, concerning emergency transportation during labor disputes, was not relevant here).¹

Disposition

As shown in the attached Notices of Action Taken, we orally granted the requests of Volga-Dnepr for exemption authority to conduct its proposed emergency cabotage flights. We confirm our actions here. We found that each application met all of the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that grant of this authority was required in the public interest.²

In view of the above, we found that immediate action on these applications was required; that our actions met the relevant criteria of 49 U.S.C. 40109(g) and were required in the public interest; and that our actions did not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975.

ACCORDINGLY,

1. We confirm the actions described in the attached Notices of Action Taken which granted Volga-Dnepr J.S. Cargo Airline exemption authority pursuant to 49 U.S.C. section 40109(g) to perform its proposed emergency cabotage flights;
2. In the conduct of the authorized operations, we required Volga-Dnepr to comply with the conditions of Attachment A and FAA-approved flight routings, and to obtain any requisite Department of Defense authorizations; and

¹ For examples of earlier grants of authority of this type, *see* Order 99-7-12.

² We further found the applicant qualified to perform the operations at issue here (*see, e.g.*, Order 94-10-13).

3. We will serve this order on Volga-Dnepr J.S. Cargo Airline, the Department of State (Office of Aviation), and the Federal Aviation Administration (AFS-200).

By:

Susan E. McDermott
Deputy Assistant Secretary for Aviation
and International Affairs

(SEAL)

*An electronic version of this document is available on the World Wide Web at:
http://dms.dot.gov/reports/reports_aviation.asp*

FOREIGN AIR CARRIER CONDITIONS OF AUTHORITY

In the conduct of the operations authorized, the holder shall:

- (1) Not conduct any operations unless it holds a currently effective authorization from its homeland for such operations, and it has filed a copy of such authorization with the Department;
- (2) Comply with all applicable requirements of the Federal Aviation Administration, including, but not limited to, 14 CFR Parts 129, 91, and 36;
- (3) Comply with the requirements for minimum insurance coverage contained in 14 CFR Part 205, and, prior to the commencement of any operations under this authority, file evidence of such coverage, in the form of a completed OST Form 6411, with the Federal Aviation Administration's Program Management Branch (AFS-260), Flight Standards Service (any changes to, or termination of, insurance also shall be filed with that office);
- (4) Not operate aircraft under this authority unless it complies with operational safety requirements at least equivalent to Annex 6 of the Chicago Convention;
- (5) Conform to the airworthiness and airman competency requirements of its Government for international air services;
- (6) Except as specifically exempted or otherwise provided for in a Department Order, comply with the requirements of 14 CFR Part 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (7) Agree that operations under this authority constitute a waiver of sovereign immunity, for the purposes of 28 U.S.C. 1605(a), but only with respect to those actions or proceedings instituted against it in any court or other tribunal in the United States that are:
 - (a) based on its operations in international air transportation that, according to the contract of carriage, include a point in the United States as a point of origin, point of destination, or agreed stopping place, or for which the contract of carriage was purchased in the United States; or
 - (b) based on a claim under any international agreement or treaty cognizable in any court or other tribunal of the United States.

In this condition, the term "international air transportation" means "international transportation" as defined by the Warsaw Convention, except that all States shall be considered to be High Contracting Parties for the purpose of this definition;

- (8) Except as specifically authorized by the Department, originate or terminate all flights to/from the United States in its homeland;
- (9) Comply with the requirements of 14 CFR Part 217, concerning the reporting of scheduled, nonscheduled, and charter data;
- (10) If charter operations are authorized, except as otherwise provided in the applicable bilateral agreement, comply with the Department's rules governing charters (including 14 CFR Parts 212 and 380); and
- (11) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department, with all applicable orders or regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

This authority shall not be effective during any period when the holder is not in compliance with the conditions imposed above. Moreover, this authority cannot be sold or otherwise transferred without explicit Department approval under Title 49 of the U.S. Code (formerly the Federal Aviation Act of 1958, as amended).





**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

NOTICE OF ACTION TAKEN

DOCKET OST-99-6040

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: Volga-Dnepr J.S. Cargo Airline

**Date Filed: July 30, 1999,
as amended August 5, 1999**

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to permit it to operate one one-way cargo charter flight between Moffett Field, CA, and Cape Canaveral, FL, on or about August 8, 1999, using its AN-124 aircraft, to transport one outsized satellite and related equipment on behalf of Space Systems Loral, Inc. The applicant stated that the charterer had experienced unexpected production delays in completing the satellite, that surface transportation was not feasible because of the time involved and the adverse effect a long road trip would have on the the satellite, and that air transportation was urgently required to meet scheduled launch deadlines.

Applicant representative: Lester Bridgeman (334) 432-1414

Responsive pleadings: Volga Dnepr served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operation, and that it had no comment or did not oppose grant of the requested authority to Volga Dnepr.

DISPOSITION

Action: Approved

Action date: August 6, 1999

Effective dates of authority granted: August 8-11, 1999

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operation at issue here. We also found that grant of Volga-Dnepr's request would prevent undue hardship to the cargo and Space Systems Loral.

Except to the extent exempted/waived, this authority is subject to standard exemption conditions and to the condition that Volga-Dnepr comply with an FAA-approved flight routing for the authorized flight

**Action taken by: A. Bradley Mims
Acting Assistant Secretary for Aviation
and International Affairs**



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

NOTICE OF ACTION TAKEN

DOCKET OST-99-6398

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: Volga-Dnepr J.S. Cargo Airline

Date Filed: October 22, 1999

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to permit it to operate one one-way cargo charter flight between Denver, CO, and Cape Canaveral, FL, on or about October 28, 1999, using its AN-124 aircraft, to transport one oversized upper stage rocket booster on behalf of Lockheed Martin Astronautics. The applicant stated that the Lockheed Martin required urgent delivery to meet the scheduled date for mating with other phases of the vehicle/satellite launch, that the cargo is too large for transportation on U.S. carrier aircraft, and that surface transportation was not feasible because of the time involved and the adverse effect a long road trip would have on the cargo.

Applicant representative: Lester Bridgeman (334) 432-1414

Responsive pleadings: Volga Dnepr served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operation, and that it had no comment or did not oppose grant of the requested authority to Volga-Dnepr.

DISPOSITION

Action: Approved

Action date: October 27, 1999

Effective dates of authority granted: October 28-31, 1999

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operation at issue here. We also found that grant of Volga-Dnepr's request would prevent undue hardship to the cargo and Lockheed Martin.

Except to the extent exempted/waived, this authority is subject to standard exemption conditions and to the condition that Volga-Dnepr comply with an FAA-approved flight routing for the authorized flight

Action taken by: A. Bradley Mims
Deputy Assistant Secretary for Aviation
and International Affairs



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

NOTICE OF ACTION TAKEN

DOCKET OST-99-6584

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: Volga-Dnepr J.S. Cargo Airline

Date Filed: November 30, 1999

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to permit it to operate one one-way cargo charter flight between Denver, CO, and Cape Canaveral, FL, on or about December 9, 1999, using its AN-124 aircraft, to transport one oversized Atlas/Centaur launch vehicle on behalf of Lockheed Martin Astronautics. The applicant stated that Lockheed Martin required urgent delivery to meet the scheduled date for mating the vehicle with its payload, in order to meet launch constraints, that the cargo is too large for transportation on U.S. carrier aircraft, and that surface transportation is not feasible because of the time involved, the adverse effect a long road trip could have on the vehicle, and the vehicle's size.

Applicant representative: Lester Bridgeman, (334) 432-1414

Responsive pleadings: Volga-Dnepr served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operation, and that it had no comment or did not oppose grant of the requested authority to Volga-Dnepr.

DISPOSITION

Action: Approved

Action date: December 6, 1999

Effective dates of authority granted: December 7-11, 1999

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operation at issue here. We also found that grant of Volga-Dnepr's request would prevent undue hardship to the cargo and Lockheed Martin.

Except to the extent exempted/waived, this authority is subject to standard exemption conditions and to the condition that Volga Dnepr comply with an FAA-approved flight routing for the authorized flight.

Action taken by: **A. Bradley Mims**
Deputy Assistant Secretary for Aviation
and International Affairs



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

NOTICE OF ACTION TAKEN

DOCKET OST-99-6666

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: Volga-Dnepr J.S. Cargo Airline

Date Filed: December 16, 1999

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to permit it to operate one one-way cargo charter flight between Philadelphia, PA, and Moffett Field, CA, on or about December 20, 1999, using its AN-124 aircraft, to transport one oversized Atlas/Centaur launch vehicle on behalf of Lockheed Martin Missiles and Space. The applicant stated that Lockheed Martin required urgent delivery to meet the scheduled date for mating the vehicle with its payload, in order to meet launch constraints, that the cargo is too large for transportation on U.S. carrier aircraft, and that surface transportation is not feasible because of the time involved, the adverse effect a long road trip could have on the vehicle, and the vehicle's size.

Applicant representative: Lester Bridgeman, (334) 432-1414

Responsive pleadings: Volga-Dnepr served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operation, and that it had no comment or did not oppose grant of the requested authority to Volga-Dnepr.

DISPOSITION

Action: Approved

Action date: December 17, 1999

Effective dates of authority granted: December 20-23, 1999

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operation at issue here. We also found that grant of Volga-Dnepr's request would prevent undue hardship to the cargo and Lockheed Martin.

Except to the extent exempted/waived, this authority is subject to standard exemption conditions and to the condition that Volga Dnepr comply with an FAA-approved flight routing for the authorized flight.

**Action taken by: A. Bradley Mims
Deputy Assistant Secretary for Aviation
and International Affairs**



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

NOTICE OF ACTION TAKEN

DOCKET OST-00-6829

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: Volga-Dnepr J.S. Cargo Airline

Date Filed: January 27, 2000

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to permit it to operate one one-way cargo charter flight between Denver, CO, and Cape Canaveral, FL, on or about February 16, 2000, using its AN-124 aircraft, to transport an oversized launch vehicle, an oversized motor vehicle and a tracking kit on behalf of Lockheed Martin Astronautics. The applicant stated that Lockheed Martin required urgent delivery to meet the scheduled date for mating the vehicle with a satellite, in order to meet launch constraints, that the cargo is too large for transportation on U.S. carrier aircraft, and that surface transportation is not feasible because of the time involved, the adverse effect a long road trip could have on the vehicles, and the vehicles' size.

Applicant representative: Lester Bridgeman, (334) 432-1414

Responsive pleadings: Volga-Dnepr served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operation, and that it had no comment or did not oppose grant of the requested authority to Volga-Dnepr.

DISPOSITION

Action: Approved

Action date: February 14, 2000

Effective dates of authority granted: February 16-19, 2000

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operation at issue here. We also found that grant of Volga-Dnepr's request would prevent undue hardship to the cargo and Lockheed Martin.

Except to the extent exempted/waived, this authority is subject to standard exemption conditions and to the condition that Volga Dnepr comply with an FAA-approved flight routing for the authorized flight.

Action taken by: **A. Bradley Mims**
Deputy Assistant Secretary for Aviation
and International Affairs



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

NOTICE OF ACTION TAKEN

DOCKET OST-2000-6968

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: Volga-Dnepr J.S. Cargo Airline

Date Filed: February 22, 2000

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to permit it to operate one one-way cargo charter flight between North Island Naval Air Station, CA, and Denver, CO on or about February 25, 2000, using its AN-124 aircraft, to transport an oversized two-part launch vehicle on behalf of Lockheed Martin Astronautics. The applicant stated that Lockheed Martin required urgent delivery to complete final assembly, integration and preparation for the scheduled launch date, that the cargo is too large for transportation on U.S. carrier aircraft, and that surface transportation is not feasible because of the time involved, the adverse effect a long road trip could have on the vehicle, and the vehicle's size.

Applicant representative: Lester Bridgeman, (334) 432-1414

Responsive pleadings: Volga-Dnepr served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operation, and that it had no comment or did not oppose grant of the requested authority to Volga-Dnepr.

DISPOSITION

Action: Approved

Action date: February 23, 2000

Effective dates of authority granted: February 25-28, 2000

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operation at issue here. We also found that grant of Volga-Dnepr's request would prevent undue hardship to the cargo and Lockheed Martin.

Except to the extent exempted/waived, this authority is subject to standard exemption conditions and to the condition that Volga Dnepr comply with an FAA-approved flight routing and any requisite Department of Defense authorizations for the authorized flight.

Action taken by: A. Bradley Mims
Deputy Assistant Secretary for Aviation
and International Affairs



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

NOTICE OF ACTION TAKEN

DOCKET OST-2000-7336

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: Volga-Dnepr J.S. Cargo Airline

Date Filed: May 5, 2000

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to permit it to operate one one-way cargo charter flight between Denver, CO, and Cape Canaveral, FL, on or about May 23, 2000, using its AN-124 aircraft, to transport an oversized launch vehicle on behalf of Lockheed Martin Astronautics. The applicant stated that Lockheed Martin required urgent delivery to meet the scheduled date for mating the vehicle with a satellite, in order to meet launch constraints, that the cargo is too large for transportation on U.S. carrier aircraft, and that surface transportation is not feasible because of the time involved, the adverse effect a long road trip could have on the vehicles, and the vehicle's size.

Applicant representative: Lester Bridgeman, (334) 432-1414

Responsive pleadings: Volga-Dnepr served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operation, and that it had no comment or did not oppose grant of the requested authority to Volga-Dnepr.

DISPOSITION

Action: Approved

Action date: May 22, 2000

Effective dates of authority granted: May 23-26, 2000

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operation at issue here. We also found that grant of Volga-Dnepr's request would prevent undue hardship to the cargo and Lockheed Martin.

Except to the extent exempted/waived, this authority is subject to standard exemption conditions and to the condition that Volga Dnepr comply with an FAA-approved flight routing for the authorized flight.

Action taken by: A. Bradley Mims
Deputy Assistant Secretary for Aviation
and International Affairs



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

NOTICE OF ACTION TAKEN

DOCKET OST 2000-7409

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: Volga-Dnepr J.S. Cargo Airline

**Date Filed: May 25, 2000,
as supplemented June 8, 2000**

Relief requested: Exemption from 49 U.S.C. 40109(g) to operate one one-way emergency cabotage cargo flight between Moffett Field, California and Kennedy Space Center, Florida, during the period June 10-11, 2000, using AN-124 aircraft, on behalf of Space Systems/Loral, Inc., to transport an outsized satellite. The applicant stated that the transportation is necessary to enable Space Systems/Loral to meet its schedule date for mating the satellite to the launch vehicle so that the planned launch date can be met.

Applicant representative: Glenn Wicks, (202) 457-7790

Responsive pleadings: The applicant served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operation, and that it had no comment or did not oppose grant of the requested authority.³

DISPOSITION

Action: Approved

Action date: June 9, 2000

Effective dates of authority granted: June 10-11, 2000

Basis for approval: We found that our action was consistent with all the relevant criteria of 49 U.S.C. 40109(g) for the grant of an exemption of this type, and that the grant of this authority was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operation at issue here. We also found that grant of this authority would prevent unreasonable hardship to the charterer.

Except to the extent exempted/waived, this authority is subject to the attached terms, conditions, and limitations.

Special conditions/Partial grant/Denial basis/Remarks: The applicant shall comply with an FAA-approved flight routing for the authorized flight.

Action taken by: A. Bradley Mims
Acting Assistant Secretary for
Aviation and International Affairs

³ On May 31, Atlas Air, Inc. filed an answer to the application. Atlas withdrew its answer on June 9



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

NOTICE OF ACTION TAKEN

DOCKET OST-2000-7540

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: Volga-Dnepr J.S. Cargo Airline

Date Filed: June 16, 2000

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to permit it to operate one one-way cargo charter flight between Denver, CO, and Cape Canaveral, FL, on or about June 27, 2000, using its AN-124 aircraft, to transport two oversized launch vehicles on behalf of Lockheed Martin. The applicant stated that Lockheed Martin required urgent delivery to meet launch schedule constraints that include integration activities and subsequent launch processing; that the cargo is too large for transportation on U.S. carrier aircraft; and that surface transportation is not feasible because of the time involved, the adverse effect a long road trip could have on the vehicles, and the vehicles' size.

Applicant representative: Glenn Wicks 202-457-7790

Responsive pleadings: Volga-Dnepr served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operation, and that it had no comment or did not oppose grant of the requested authority to Volga-Dnepr.

DISPOSITION

Action: Approved

Action date: June 21, 2000

Effective dates of authority granted: June 27 - 30, 2000

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operation at issue here. We also found that grant of Volga-Dnepr's request would prevent undue hardship to the cargo and Lockheed Martin.

Except to the extent exempted/waived, this authority is subject to standard exemption conditions and to the condition that Volga-Dnepr comply with an FAA-approved flight routing for the authorized flight.

Action taken by: A. Bradley Mims
Acting Assistant Secretary for Aviation
and International Affairs



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

NOTICE OF ACTION TAKEN

DOCKET OST-2000-7589

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: Volga-Dnepr J.S. Cargo Airline

Date Filed: June 27, 2000

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to permit it to operate one one-way cargo charter flight between North Island N.A.S., CA, and Denver, CO, on or about July 6, 2000, using its AN-124 aircraft, to transport an oversized launch vehicle and associated equipment on behalf of Lockheed Martin. The applicant stated that Lockheed Martin required urgent delivery to meet schedule constraints that include final integration activities and preparation for subsequent launch processing; that the cargo is too large for transportation on U.S. carrier aircraft; and that surface transportation is not feasible because of the time involved, the adverse effect a long road trip could have on the vehicles, and the vehicles' size.

Applicant representative: Glenn Wicks 202-457-7790

Responsive pleadings: Volga-Dnepr served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operation, and that it had no comment or did not oppose grant of the requested authority to Volga-Dnepr.

DISPOSITION

Action: Approved

Action date: June 29, 2000

Effective dates of authority granted: July 6 - 9, 2000

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operation at issue here. We also found that grant of Volga-Dnepr's request would prevent undue hardship to the cargo and Lockheed Martin.

Except to the extent exempted/waived, this authority is subject to standard exemption conditions and to the condition that Volga-Dnepr comply with an FAA-approved flight routing for the authorized flight, and any requisite Department of Defense authorizations.

Action taken by: A. Bradley Mims
Acting Assistant Secretary for Aviation
and International Affairs



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

NOTICE OF ACTION TAKEN

DOCKET OST-2000-7816

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: Volga-Dnepr J.S. Cargo Airline

Date Filed: August 16, 2000

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to permit it to operate one one-way cargo charter flight between North Island N.A.S., CA, and Denver, CO, on or about August 29, 2000, using its AN-124 aircraft, to transport an oversized launch vehicle and associated equipment on behalf of Lockheed Martin. The applicant stated that Lockheed Martin required urgent delivery to meet schedule constraints that include final integration activities and preparation for subsequent launch processing; that the cargo is too large for transportation on U.S. carrier aircraft; and that surface transportation is not feasible because of the time involved, the adverse effect a long road trip could have on the vehicles, and the vehicles' size.

Applicant representative: Glenn Wicks 202-457-7790

Responsive pleadings: Volga-Dnepr served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operation, and that it had no comment or did not oppose grant of the requested authority to Volga-Dnepr.

DISPOSITION

Action: Approved

Action date: August 18, 2000

Effective dates of authority granted: August 29 - September 2, 2000

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operation at issue here. We also found that grant of Volga-Dnepr's request would prevent undue hardship to the cargo and Lockheed Martin.

Except to the extent exempted/waived, this authority is subject to standard exemption conditions and to the condition that Volga-Dnepr comply with an FAA-approved flight routing for the authorized flight, and any requisite Department of Defense authorizations.

Action taken by: Francisco J. Sanchez
Assistant Secretary for Aviation
and International Affairs



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

NOTICE OF ACTION TAKEN

DOCKET OST-2000-8197

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: Volga-Dnepr J.S. Cargo Airline

Date Filed: October 25, 2000

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to permit it to operate one one-way cargo charter flight between North Island N.A.S., CA, and Denver, CO, on or about November 7, 2000, using its AN-124 aircraft, to transport an oversized launch vehicle and associated equipment on behalf of Lockheed Martin. The applicant stated that Lockheed Martin required urgent delivery to meet schedule constraints that include final integration activities and preparation for subsequent launch processing; that the cargo is too large for transportation on U.S. carrier aircraft; and that surface transportation is not feasible because of the time involved, the adverse effect a long road trip could have on the vehicle, and the vehicle's size.

Applicant representative: Glenn Wicks 202-457-7790

Responsive pleadings: Volga-Dnepr served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operation, and that it had no comment or did not oppose grant of the requested authority to Volga-Dnepr.

DISPOSITION

Action: Approved

Action date: November 1, 2000

Effective dates of authority granted: November 6-10, 2000

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operation at issue here. We also found that grant of Volga-Dnepr's request would prevent undue hardship to the cargo and Lockheed Martin.

Except to the extent exempted/waived, this authority is subject to standard exemption conditions and to the condition that Volga-Dnepr comply with an FAA-approved flight routing for the authorized flight, and any requisite Department of Defense authorizations.

Action taken by: Francisco J. Sanchez
Assistant Secretary for Aviation
and International Affairs



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

NOTICE OF ACTION TAKEN

DOCKET OST 2000-8197

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: Volga-Dnepr J.S. Cargo Airline

**Date Filed: October 25, 2000,
as amended November 15, 2000**

Relief requested: Amend exemption, granted November 1, 2000, from 49 U.S.C. 40109(g) to change the dates of operation from November 6-7, 2000 to November 20-21, 2000, of a one one-way emergency cabotage cargo flight between North Island N.A.S., CA, and Denver, CO, using AN-124 aircraft, to transport an oversized launch vehicle and associated equipment on behalf of Lockheed Martin. In its initial request, the applicant stated that Lockheed Martin required urgent delivery to meet schedule constraints that include final integration activities and preparation for subsequent launch processing; that the cargo is too large for transportation on U.S. carrier aircraft; and that surface transportation is not feasible because of the time involved, the adverse effect a long road trip could have on the vehicle, and the vehicle's size.

Applicant representative: Glenn Wicks, (202) 457-7790

Responsive pleadings: The applicant served its request for amendment of its exemption on those U.S. carriers operating large all-cargo aircraft, and, at the Department's request, polled those carriers to obtain their views. Each carrier indicated that it did not have aircraft available to conduct the proposed operation, and that it had no comment or did not oppose grant of the requested authority.

DISPOSITION

Action: Approved

Action date: November 17, 2000

Effective dates of authority granted: November 20-21, 2000

Basis for approval: We found that our action was consistent with all the relevant criteria of 49 U.S.C. 40109(g) for the grant of an exemption of this type, and that the grant of this amended authority was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operation at issue here. We also found that grant of this amended authority would prevent unreasonable hardship to the charterer.

Except to the extent exempted/waived, this authority is subject to the attached terms, conditions, and limitations, and to the condition that Volga-Dnepr comply with an FAA-approved flight routing for the authorized flight.

**Action taken by: Francisco J. Sanchez
Assistant Secretary for Aviation
and International Affairs**